

REMARKS:

Claims 1-22 are currently pending in the Application. Claims 1-22 stand rejected under 35 § U.S.C. 103(a) as being unpatentable over Cain et al. (WO 2001/55886 A2, hereinafter referred to as "Cain"), and further in view of Wong et al. (USP 5,890,175, hereinafter referred to as "Wong").

Reconsideration and withdrawal of the outstanding rejections is respectfully requested in light of the above amendments and following remarks.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-22 stand rejected under 35 § U.S.C. 103(a) as being unpatentable over Cain and further in view of Wong.

This rejection is respectfully traversed.

With respect to claims 1, 8, 15, and 22, the Examiner states (page 3 of the Office Action mailed 20 April 2006) that Cain discloses an electronic commerce system/method/software for generating, updating, and managing multi-taxonomy environments, the system comprising (product classification) all but one of the limitations of claims 1, 8, 15, and 22. More specifically, the Examiner concedes that Cain does not disclose "different classification systems" (as stated by the Examiner at page 5 of the Office Action mailed 20 April 2006) common to claims 1, 8, 15, and 22.

Cain in view of Wong Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicants' Claims

For example, with respect to independent claim 1, this claim recites:

An electronic commerce system for generating, updating, and managing multi-taxonomy environments, the system comprising:

one or more databases operable to store product data for one or more products;

a master global content directory including a plurality of product classes organized in a hierarchy according to a **first classification system**,

each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, at least one of the product classes having one or more associated product pointers that identify one or more of the databases;

one or more **secondary content directories** including one or more product classes organized in a hierarchy according to a **second classification system** that is **distinct from the first classification system** of the master global content directory, each product class being mapped to one or more product classes in the master global content directory and having one or more associated class pointers that identify the one or more product classes in the master global content directory to which the product class is mapped; and

a search interface operable to:

receive a selection of a product class of a secondary content directory from a user, the selected product class having at least one class pointer identifying at least one product class in the master global content directory; and

communicate, in response to selection of the product class by the user, a search query to one or more of the databases to search product data stored in the databases identified by one or more of the product pointers to facilitate a commercial transaction involving one or more products. (Emphasis Added).

Independent claims 8, 15, and 22 recite similar limitations.

Cain discloses a hierarchical product classification system which implements a spider module for searching a network (typically internet websites) for textual information pertaining to products (Figure 4B, page 4 lines 7-12, page 25 lines 12-27), aggregating the product information in a table of a database (page 24 lines 3-5), classifying the aggregated products according to a system taxonomy (page 24 lines 6-29), and optionally generating statistical profiles for association with the products using the information accumulated for

the products (page 24 line 30 to page 25 line 8). Ultimately, the database is made available to users on a network such that users can search for products (or otherwise analyze the aggregated product information) and the associated product information and statistical profiles using a variety of search interfaces (page 63 line 13 to page 64 line 5). More specifically, users are provided the ability to interface the database by Boolean searching the titles of categories and sub-categories of the system taxonomy (Figure 3A, page 64 line 6 to page 66 line 9).

Put another way, Cain is concerned with “aggregat[ing] vast amounts of information regarding products offered from a variety of sources on a network” (page 63 lines 14-17), “organizing [the] vast amount disparate product data relative to a comprehensive hierarchical product classification system” which is stored in the system database (page 63 lines 20-24), and using the same hierarchical product classification system to facilitate user searches of the product data (page 63 lines 24-27).

On the other hand, the present invention aims to avoid problems inherent with a system, such as the Cain system, which aggregates vast amounts of information into a single database. “For example, the sheer size of the database would make it difficult to search and thus the database would suffer from performance problems. In addition, it would be difficult to allow large numbers of [searchers] to search the database at once.” (page 7 lines 28-31). The present invention addresses these problems by implementing a master global content directory 42 (GCD) which is a universal directory of the contents of multiple seller databases 32 (Figure 1, page 8 lines 3-5). In addition to allowing the seller databases 32 to house the bulk of database information, the present invention provides for the optional use of shared data repositories 34 for housing data in an alternative manner (page 8 lines 26-31).

To further decrease the amount of searching time and increase the efficiency of the system, the present invention also incorporates secondary content directories 35 which include product classes that are associated (through the use of pointers) with product classes in the master global content directory 42 (page 9 line 18 to page 10 line 17). The user of a second content directory 35 (whether a buyer or a seller) determines: the

hierarchical structure of the second content directory 35, which product classes are included in the second content directory 35, and the mapping (typically through the use of pointers) between the second content directory 35 and the global content directory. The availability of the second content directory 35 decreases the amount of searching time spent by buyers and increases the system efficiency (page 9 line 18 to page 10 line 17).

Regarding the claim 1 limitation that the system comprises “**one or more databases** operable to store product data for one or more products,” the Applicants assert that Cain does not teach, disclose, suggest, or even provide motivation to include this limitation. As discussed above, the Cain system relies heavily upon a single aggregation of product information in a single database page (63 lines 14-27). Further, Cain does not teach, suggest, or disclose the use of multiple databases for storing the vast amount of information gathered by the network searching spiders of Cain. In fact, the nature of the Cain system actually **teaches away from** including the limitation regarding multiple databases due to its independent searching of a network (without collaboration with and possibly without the knowing consent of holders of product data on the network). There is no opportunity for a user to provide a database capable of storing the information gathered by the Cain system. Cain simply does not teach or suggest that multiple databases may be implemented to store product data, much less does Cain teach or suggest that buyers or sellers (or anyone not already associated with the administration of the Cain system) be capable of or expected to house any portion of the information gathered by the spider searchers of Cain.

Regarding the claim 1 limitation that the system comprises “a **master global content directory** including a plurality of product classes organized in a hierarchy according to a **first classification system**,” the Applicants assert that Cain does not teach, disclose, suggest, or even provide motivation to include this limitation. Again, the nature of the Cain system is intended (after having searched the network with the spider and having aggregated the product information from the network into a single database) to operate independently from the network resources which originally provided the product information. In other words, the Cain system copies the product information from other network users, stores that information in a single database, and then later serves the

information requested by the users based on user search queries. The Cain system and the present invention are fundamentally different. More specifically, “most or all of the content in these seller databases 32 remains stored in databases 32, but this content is accessible using master GCD 42. Therefore, like [a] global database, master GCD 42 provides buyers 20 with access to product data relating to a multitude of products (and potentially seller data relating to one or more sellers 30 of the products), but unlike the global database, master GCD 42 does not attempt to store all of this data in one enormous database.” (page 8 lines 6-12). The Cain database/taxonomy system is simply not a **directory** at all. In contrast, the **master global content directory** of the present invention is mapped to and points to the content retained by sellers in seller databases 32 and/or the content housed in shared data repositories 34.

Regarding the claim 1 limitation that the system comprises “one or more **secondary content directories** including one or more product classes organized in a hierarchy according to a **second classification system** that is **distinct from the first classification system** of the master global content directory”, the Examiner concedes that Cain alone does not meet this limitation because Cain does not disclose the use of different classification systems (or taxonomies). The Applicant asserts that this limitation is not met by Cain for more reasons than that pointed out by the Examiner. Primarily (as described above), Cain does not disclose even a first content directory (such as the master global content directory of the present invention), much less does Cain disclose a **secondary content directory**. Again, Cain is simply not designed to provide a directory pointed to the content of other databases.

Still referring to the claim 1 limitation that the system comprises “one or more **secondary content directories** including one or more product classes organized in a hierarchy according to a **second classification system** that is **distinct from the first classification system** of the master global content directory,” the Applicants assert that Wong does not disclose the use of a **second classification system** in the context of the present invention.

Wong discloses an interactive catalog generation and display system such that multiple merchants may have their individually created catalogs hosted by a single network server (column 3 lines 23-42). The Wong system allows merchants to create their own catalogs by entering text and multimedia objects while defining product groups and individual products within those product groups (column 3 line 57 to column 4 line 54). Once all groups, subgroups, and products have been defined by a merchant, the catalog may be accessed and used by a consumer (column 6 lines 58-60). Of course, where different merchants are creating their own catalogs, the organization of groups, subgroups, and associated products will vary since the different merchants sell different products and have their own preference for organizing the products they sell. However, the simple fact that Wong allows merchants to individually design catalogs does not disclose the use of a **second classification system** as disclosed by the present invention.

The **second classification system** of the present invention is used to offer a personalized means of accessing the master global content directory which is organized according to a **first classification system**. Wong simply does not offer interoperability between a first and second classification system. In fact, the classification systems generated by the Wong system are associated with discrete catalogs generated by different merchants who likely do not want to share their product information with other competing merchants. In fact, since the Wong system encourages each merchant to spend the resources necessary to develop a custom catalog, the individual merchants may be upset if the Wong system were to allow another merchant to gain a free-ride (by cross-linking) on the effort of the merchant who designed the catalog. At least the above described points show that Wong does not disclose a second classification system compatible with the present invention, and further illustrate that Wong **teaches away from** using the multiple classification systems (each available to only one merchant) of Wong in combination with Cain to meet the limitations of claim 1 of the present invention.

Regarding the claim 1 limitation that the system comprises “a **search interface operable to: receive a selection of a product class of a secondary content directory from a user**”, neither Cain nor Wong, alone or in combination,

disclose, teach, or suggest a **second content directory**, and are therefore incapable of receiving a selection of a product class of a second content directory.

Since neither Cain nor Wong, alone or in combination, disclose or suggest all of the limitations of claim 1, the Applicants assert that claim 1 is not anticipated by Cain in view of Wong. Further, since claims 2-7 depend from claim 1 and include limitations in addition to the limitations recited in claim 1, the Applicants assert that claims 2-7 are also not anticipated by Cain in view of Wong.

Independent claims 8, 15, and 22 include limitations substantially similar to the limitations of claim 1. The Applicants reiterate the arguments above to the extent that they apply to independent claims 8, 15, and 22. The Applicant asserts that claims 8, 15, and 22, as well as claims 9-14 which depend from claim 8 and claims 16-21 which depend from claim 15, are not anticipated by Cain in view of Wong for at least the same reasons discussed above in connection with claim 1.

Accordingly, for at least the reasons discussed above, claims 1-22 cannot be anticipated by Cain in view of Wong. Therefore, it is respectfully submitted that claims 1-22 are in condition for allowance, and notice to that effect is respectfully requested.

THE LEGAL STANDARD FOR OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. § 103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In *re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. In *re Royka*, 490 F.2d 981, 180 U.S.P.Q.

580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

CONCLUSION:


In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

The undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing the Amendment to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

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